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October 4, 2009

Hon. R. Clarke VanDervort
United States Magistrate Judge
United States District Court for the
Southern District of West Virginia
Federal Building
110 North Heber Street
Beckley, West Virginia 25801

Re: *Jones v. Seifert, et al*
Civil Action No. 5:04-0660

Dear Judge VanDervort:

Currently, the petition for habeas corpus in the above referenced case is pending in this Court.

I am writing to inform the Court that I will be away from my office, and out of the country from October 10, 2009 through, October 26, 2009.

For that reason, I would be grateful if the Court would not hand down a decision on the petition until after my return. Although there is local West Virginia counsel retained on this case, I am responsible for the litigation.

I am a solo practitioner with no staff. Thus, while I am away it is impossible for me to perform any necessary action in a timely manner – such as filing objections to a report and recommendation within the allowed 10 days, should the need for that arise. Even a decision handed down in the few days before my departure would not allow me that ten days, and would compromise my ability to effectively represent Mr. Jones.

I appreciate your consideration of this request.

If you have questions or need additional information, please contact me.

Sincerely,
Robert Rosenthal
Attorney for Lee Jones